

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 1 and 2 are currently being amended.

Claims 17 and 18 are currently being added.

This amendment amends and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and adding the claims as set forth above, claims 1-18 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 7-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,790,538 to Sugar; and claims 1-6 and 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sugar in view of U.S. Patent No. 5,790,592 to Haik. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

With respect to the rejection of independent claim 7 based on Sugar, that claim recites a transmission buffer that receives the generated data output by a data generator. The Office Action asserts that the claimed data generator corresponds to the Voice Encode Unit 50 of Figure 7 of Sugar, and that the transmission buffer corresponds to the PCM Codec of Figure 7 of Sugar. However, this assertion is incorrect, since the PCM Codec of Figure 7 of Sugar provides (e.g., transmits) data to the Voice Encode Unit 50, and not the other way around (that is, the PCM Codec of Figure 7 of Sugar does not receive any data from the Voice Encode Unit 50).

In the ‘Response to Arguments’ section on page 10 of the Office Action, the Examiner asserts that arguments that Applicant provided with respect to “estimating the sampling clock frequency on the basis of the data . . .” are features recited in claim 10, not claim 7. While it is true that the arguments provided on page 8, lines 2-11 of the previously-filed response should have been directed to dependent claim 10, that does not relieve the Examiner from considering the arguments provided on page 7, last paragraph of the response with respect to claim 7, which are provided again in the paragraph directly above this paragraph. The current Office Action maintained its same rejection of claim 7, and did not address in any way, shape or form, the arguments provided above, in that the PCM Codec of Figure 7 of Sugar provides data to the Voice Encode Unit 50, and not the other way around.

Therefore, claim 7 is not anticipated by Sugar.

Furthermore, the features discussed in the ‘Response to Arguments’ section on page 10 of the Office Action, which are explicitly recited in dependent claim 10, should have been considered by the Examiner for claim 10, whereby the assertion “limitations from the specification are not read into the claims” is not pertinent to the comments provided on page 8, lines 2-11 of the previously-filed response, since those comments were directed particularly to the features explicitly recited in claim 10 (which the Examiner seems to have understood based on his comments made in the Office Action), and whereby those features are not disclosed or suggested by Sugar. In its rejection of claim 10, the Office Action purportedly addresses the “without having been processed in any manner by the one terminal” feature of claim 10, by asserting that Figure 1 of Sugar shows that “the clock frequency used for sampling is estimated based on the data received from the Voice Codeword FIFO”. However, the Office Action fails to address the other feature that was added to claim 10, in that the estimating of the sampling clock is based of data “received directly from the asynchronous transmission line”, whereby clearly the data that is utilized in Sugar is not directly received from a transmission line, but rather comes from a Voice Codeword FIFO.

Accordingly, claim 10 is not anticipated by Sugar for these additional reasons, beyond the reasons given above for its base claim 7.

With respect to the rejection of claims 1-6 and 11-14 based on the combination of Sugar and Baik, presently pending independent claims 1 and 2 have each been amended to recite that the plurality of reception buffer stages being directly connected to each other in such a manner that no other non-reception buffer stage component is connected between any two adjacently-connected ones of the plurality of reception buffer stages.

In Baik, on the other hand, as clearly seen in Figure 2 of that reference, a DSP 206 is connected between a first buffer 204 and a second buffer 208, and thus it does not meet the specific requirements set forth in claims 1 and 2.

Accordingly, since Sugar does not teach or suggest the above-mentioned features added to claims 1 and 2 (as acknowledged in the Office Action), claims 1 and 2 are patentable over the combined teachings of Sugar and Baik.

With respect to dependent claims 14-16, the Office Action correctly recognizes, in its rejection of their base claim 1, that “Sugar does not explicitly show a transmission buffer and a plurality of reception buffer stages connected to the data generator and the data reproducer, respectively.” However, in its rejection of dependent claims 14-16, the Office Action asserts that column 3, lines 33-49 and column 4, lines 12-26 describe that “the plurality of reception buffer stages are configured to handle both data underflow and data overflow, without loss of data, due to different sampling clock rates output by the respective sampling clock generator provided in the first and second terminals.”

It goes without saying that these assertions are internally inconsistent with each other, since the Office Action has correctly recognized, in its rejection of claim 1, that Sugar does not disclose anything concerning a transmission buffer and a plurality of reception buffer stages.

For purposes of completeness, this response will address column 3, lines 33-49 and column 4, lines 12-26 of Sugar. Column 3, lines 33-49 of Sugar describes isochronous and asynchronous data transmission over a communication network, whereby a FIFO voice codeword storing device is utilized. This does not meet the features recited in claims 14-16 concerning the handling of both data underflow and data overflow, without loss of data, due to different sampling clock rates output by the respective sampling clock generator provided

in the first and second terminals. Also, column 4, lines 12-26 of Sugar describes clock data recovery whereby the receive clock frequency differs from the transmitter clock frequency, and whereby a packet playout rate is either increased or decreased to handle this difference in clock frequencies. However, this portion of Sugar does not describe anything about using a plurality of reception buffer stages, whereby again it is noted that the rejection of claim 1 acknowledged that Sugar does not disclose or suggest a plurality of reception buffer stages. In any event, the way to deal with different clock frequencies, by changing the packet playout rate, is much different from the use of reception buffer stages, as explicitly recited in claims 14-16. Thus, even if one was to turn to the Baik for allegedly disclosing the use of reception buffer stages (but see arguments with respect to claim 1 whereby Baik does not teach the explicit features recited in that claim), one of ordinary skill in the art would not add any reception buffer stage to the system of Sugar to deal with different clock frequencies of transmission and reception units, since Sugar deals with those different clock frequencies in an entirely different manner, by changing the packet playout rate.

Accordingly, claims 14-16 are patentable for these additional reasons, beyond the reasons given above for their respective base claims.

New Claims:

New claims 17 and 18 have been added to recite features of the clock synchronizing means, whereby such features are believed to provide a separate basis for patentability of these new claims.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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